

RULE 7.4
ARREST OF JUDGMENT

(a) Arrest of Judgment. Judgment may be arrested on the motion of the defendant for the following causes: (1) lack of jurisdiction of the person or offense; (2) the complaint or citation and notice does not charge a crime; or (3) insufficiency of the proof of a material element of the crime.

(b) Time for Motion; Contents of Motion. A motion for arrest of judgment must be served and filed within 5 days after the verdict or decision. The motion for arrest of judgment shall identify the specific reasons in fact and law for each ground on which the motion is based.

(c) New Charges After Arrest of Judgment. When judgment is arrested and there is reasonable ground to believe that the defendant can be convicted of an offense properly charged, the court may order the defendant to be recommitted or released to answer a new complaint or citation and notice. If judgment was arrested because there was no proof of a material element of the crime the defendant shall be discharged.

(d) Rulings on Alternative Motions in Arrest of Judgment or for a New Trial. Whenever a motion in arrest of a judgment and, in the alternative, for a new trial is filed and submitted in any criminal cause tried before a jury, and the court enters an order granting the motion in arrest of judgment, the court shall, at the same time, in the alternative, pass upon and decide in the same order the motion for a new trial. The ruling upon the motion for a new trial shall not become effective unless and until the order granting the motion in arrest of judgment is reversed, vacated, or set aside in the manner provided by law.
